

FORTY-SECOND DAY
(Monday, March 25, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Absent-excused: Uribe.

A quorum was announced present.

Senator J. E. (Buster) Brown offered the invocation as follows:

Our dear Heavenly Father, we are indeed grateful for the opportunity of gathering here today in this legislative body. As we consider matters of importance to the people of this State, please guide and direct us to try our very best to do Thy will and to make decisions with high principles as much as possible. Be with, also, those many people who serve as staff for the members of the legislature who often times go unnoticed, but without whom our work would never be completed. In His name we pray, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 21, 1985, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Edwards.

MESSAGE FROM THE HOUSE

House Chamber
March 25, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 408, Relating to discipline in public schools.

H.J.R. 7, Proposing a constitutional amendment relating to the manner in which a person is charged with a criminal offense, to the jurisdiction of the courts in criminal cases, and to certain requirements applicable to state writs and processes.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 531
C.S.S.B. 287
C.S.S.B. 63

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 492

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Sarpalius and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1271 by Mauzy State Affairs
Relating to the office hours of voter registrars on uniform election dates.

S.B. 1272 by Henderson Economic Development
Relating to creation of certain pollution control districts within the Gulf Coast Waste Disposal Authority.

S.B. 1273 by Traeger Finance
Making a supplemental appropriation out of funds designated herein to Asa Fuller, III, for payment of a claim against the State of Texas.

S.B. 1274 by Traeger Finance
Making a supplemental appropriation out of funds designated herein to Platoro Limited, Inc.; William E. Kenon, Jr.; and George Kirk Purvis for payment of a claim against the State of Texas.

S.B. 1275 by Jones Intergovernmental Relations
Relating to the appointment of bailiffs for the county courts at law of Taylor County.

S.B. 1276 by Parmer Education
Relating to membership of certain school boards, elections, terms, and vacancies; amending Section 23.023, Education Code.

S.B. 1277 by Parmer Criminal Justice
Relating to the right to appeal certain judgments and sentences of a justice or municipal court.

S.B. 1278 by Parmer Criminal Justice
Relating to the testimony in certain cases of a child who is the alleged victim of an offense; relating to the competency of children to act as witnesses in criminal cases; relating to the use of interpreters for children in criminal proceedings; amending the Code of Criminal Procedure, 1965, by adding Subsection (c) to Section 2, Article 38.071 and by amending Articles 38.06 and 38.30.

S.B. 1279 by Farabee Jurisprudence
Relating to the limit on civil liability in an action on a health care liability claim; and declaring an emergency.

S.B. 1280 by Mauzy Jurisprudence
Relating to civil liabilities of the owner of a sign who fails to remove the sign from the premises of another.

S.C.R. 93 by Washington Criminal Justice
Establishing the Joint Special Committee on the Family Role in Reducing
Redicivism.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE GULF COAST WASTE DISPOSAL AUTHORITY:

For a term to expire August 31, 1986:

RICK FERGUSON

P.O. Box 111

Winnie, Texas 77665

(Mr. Ferguson is replacing Mr. Robert Michael Edwards of Stowell, Chambers County, Texas whose term expired.)

Respectfully submitted,

/s/Mark White

Governor of Texas

GUEST PRESENTED

Senator Parker was recognized and introduced the Capitol Physician for the Day, Dr. Raymond Benski of Nederland.

The Senate expressed their appreciation to Dr. Benski and welcomed him for the day.

MESSAGE FROM THE SECRETARY OF STATE

The following Message from the Secretary of State was read and was referred to the Committee on Jurisprudence:

**STATE OF TEXAS
OFFICE OF THE SECRETARY OF STATE
AUSTIN, TEXAS 78711**

March 20, 1985

Honorable William P. Hobby
Lieutenant Governor
State Capitol Building
Austin, Texas 78711

Dear Governor Hobby:

Please find enclosed a copy of the Supreme Court Order approving the local rules of practice of district courts trying civil proceedings in Harris County, as adopted by the Board of District Judges of Harris County on February 12, 1985. In accordance with the provisions of Tex. Rev. Civ. Stat. Ann. art. 1731a, I hereby respectfully request that this document be presented to the Regular Session of the 69th Legislature.

Thank you for your assistance.

Sincerely,

/s/Myra A. McDaniel
Secretary of State

MAM:HOS/ms

Enclosures

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **S.B. 1233** today.

SENATE BILL 133 WITH HOUSE AMENDMENT

Senator Henderson called **S.B. 133** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment No. 1 - Berlanga

Amend **S.B. 133** as follows:

On page 1, line 13, strike "20" and substitute "25".

The amendment was read.

Senator Henderson moved to concur in the House amendment.

The motion prevailed.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced a group of young women representing the Austin-Travis County Livestock and Rodeo Association.

The Senate expressed their appreciation for the bandanas presented to them.

SENATE BILL 444 ON THIRD READING

On motion of Senator Sharp and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 444, Relating to the powers and duties of the Railroad Commission of Texas regarding railroad safety and the enforcement of the laws relating to railroads.

The bill was read third time.

Senator Sharp offered the following amendment to the bill:

Amend **S.B. 444** by striking all below the enacting clause and substituting the following:

SECTION 1. Title 112, Revised Statutes, is amended by adding Article 6448a to read as follows:

Art. 6448a. IMPLEMENTATION OF FEDERAL RAILROAD SAFETY ACT OF 1970. The Railroad Commission of Texas is hereby authorized to perform any act and issue any rules and orders as permitted by the Federal Railroad Safety Act of 1970.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by unanimous consent.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 29, Nays 0.

Absent: Krier.

Absent-excused: Uribe.

COMMITTEE SUBSTITUTE SENATE BILL 500 ON THIRD READING

Senator Lyon moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 500, Relating to the regulation of the use of safety belts in certain motor vehicles; providing a penalty.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Barrientos, Brooks, Brown, Farabee, Glasgow, Harris, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Truan, Washington, Whitmire, Williams.

Nays: Blake, Caperton, Edwards, Henderson, Howard, McFarland, Santiesteban, Sims, Traeger.

Absent-excused: Uribe.

The bill was read third time and was finally passed.

RECORD OF VOTES

Senators Blake, Edwards, Caperton, Howard, Henderson, McFarland, Sharp, Traeger, Santiesteban and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 822 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 822, Relating to toilet facilities and the provision of sanitary drinking water on railroad trains.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 822 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 822** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Uribe.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 645 ON SECOND READING

Senator Farabee moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 645, Relating to reporting of contributions in campaigns for judicial office; adding Subsection (C-2) to Section 243 of the Texas Election Code, as amended (Article 14.07, Vernon's Texas Election Code).

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Harris, Howard, Jones, Krier, Leedom, McFarland, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Nays: Brooks, Glasgow, Henderson, Kothmann, Lyon, Mauzy, Montford.

Absent-excused: Uribe.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 645 on page 1, line 24 by substituting "\$500." for "\$100."

The amendment was read.

Senator Brooks offered the following substitute amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend C.S.S.B. 645 on Page 1, Line 24 by substituting "2,500." for "\$100."

The amendment was read.

On motion of Senator Farabee, the amendment was tabled by the following vote: Yeas 16, Nays 14.

Yeas: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Howard, Jones, Krier, Leedom, Parmer, Sarpalius, Sharp, Sims, Washington, Whitmire.

Nays: Brooks, Glasgow, Harris, Henderson, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Santiesteban, Traeger, Truan, Williams.

Absent-excused: Uribe.

Question - Shall Floor Amendment No. 1 be adopted?

MOTION TO ADJOURN

Senator Harris at 12:28 o'clock p.m. moved the Senate stand adjourned until 11:00 o'clock a.m. tomorrow.

The motion to adjourn failed by the following vote: Yeas 14, Nays 16.

Yeas: Blake, Brooks, Glasgow, Harris, Henderson, Krier, Lyon, Mauzy, Montford, Parker, Santiesteban, Traeger, Truan, Williams.

Nays: Barrientos, Brown, Caperton, Edwards, Farabee, Howard, Jones, Kothmann, Leedom, McFarland, Parmer, Sarpalius, Sharp, Sims, Washington, Whitmire.

Absent-excused: Uribe.

COMMITTEE SUBSTITUTE SENATE BILL 645 ON SECOND READING

The Senate resumed consideration of C.S.S.B. 645 on its second reading and passage to engrossment with Floor Amendment No. 1 pending.

Question - Shall Floor Amendment No. 1 be adopted?

(Senator Howard occupied the Chair during discussion of the pending amendment.)

(President in Chair)

Senator Glasgow offered the following substitute amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend **C.S.S.B. 645** by amending \$100.00 on line 24 to \$1000.00

The amendment was read and was adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting “Nay” on the adoption of the amendment.

Question on the adoption of Floor Amendment No. 1 as substituted, the amendment was adopted.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 4

Amend **C.S.S.B. 645** by deleting line 38 of the printed bill and substituting therefor the following new language: “by hand to the office where the candidate specific purpose political committee or officeholder is required to file under Article 14.07(F) within 10 days of acceptance.”

The amendment was read and was adopted.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 5

Amend **C.S.S.B. 645** by deleting lines 26-36 of the printed bill and substituting therefor the following language: “or officeholder. All contributions”

The amendment was read.

On motion of Senator Farabee, the amendment was tabled by the following vote: Yeas 23, Nays 6.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Leedom, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Nays: Henderson, Krier, Lyon, Mauzy, McFarland, Montford.

Absent: Harris.

Absent-excused: Uribe.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 6

Amend **C.S.S.B. 645** by striking “specific purpose political Committee” wherever it appears.

The amendment was read.

On motion of Senator McFarland, the amendment was tabled by the following vote: Yeas 17, Nays 13.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Parmer, Sharp, Washington, Whitmire.

Nays: Farabee, Glasgow, Harris, Lyon, Mauzy, Montford, Parker, Santiesteban, Sarpalius, Sims, Traeger, Truan, Williams.

Absent-excused: Uribe.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 645, Senate Printing, on line 34 by striking the words "or otherwise."

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

Yeas: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Howard, Jones, Krier, Leedom, McFarland, Parmer, Sarpalius, Sharp, Sims, Truan, Washington, Whitmire.

Nays: Brooks, Glasgow, Harris, Henderson, Kothmann, Lyon, Mauzy, Montford, Parker, Santiesteban, Traeger, Williams.

Absent-excused: Uribe.

MEMORIAL RESOLUTIONS

S.R. 230 - By Farabee: Memorial resolution for Judge Joe Williams.

S.R. 231 - By Barrientos: Memorial resolution for Thomas Jefferson Gibson III.

S.R. 232 - By Barrientos: Memorial resolution for Dr. Stanley R. Ross.

CONGRATULATORY RESOLUTIONS

S.R. 226 - By Montford: Commending Sharee Salonek.

S.R. 228 - By Farabee: Extending congratulations to Mr. and Mrs. Harold M. Anderson.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:45 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(March 21, 1985)

S.B. 80 (Effective immediately)
S.C.R. 6
S.C.R. 42
S.C.R. 45
S.C.R. 67

Sent to Governor
(March 25, 1985)

S.C.R. 58
S.C.R. 82
S.B. 78 (Again sent)
S.B. 137